

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
ELIZABETH S. SALVESON, State Bar #83788  
Chief Labor Attorney  
STACEY A. LUCAS, State Bar #154345  
Deputy City Attorney  
Fox Plaza  
1390 Market Street, Fifth Floor  
San Francisco, California 94102-5408  
Telephone: (415) 554-3949  
Facsimile: (415) 554-4248  
E-Mail: stacey.lucas@sfgov.org

Attorneys for Defendants  
CITY & COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT K. LEUNG, CHARLES C. CHAN,  
SEVERO N. FLORES, CONSTANTINE J.  
ZACHOS, ANGELO J. SPAGNOLI,  
JOSEPHINE N. BORGES, CLODAGH  
COLES,

Plaintiffs,

vs.

CITY & COUNTY OF SAN FRANCISCO,  
SAN FRANCISCO POLICE  
DEPARTMENT, HEATHER FONG, DOES  
1 THROUGH 10, INCLUSIVE

Case No. C-06-6042 WHA

~~PROPOSED~~ ORDER REGARDING  
PLAINTIFFS' EXPERT MICHAEL  
MARK NASH

Defendants' request to exclude Michael Mark Nash, PhD as an expert witness for Plaintiffs came on for hearing on October 31, 2007. Plaintiffs were represented by Greg Walston of the Walston Law Group; Defendants by Deputy City Attorney Stacey Lucas.

Upon consideration of the arguments of counsel, and good cause appearing therefore, the Court hereby orders as follows:

1. Defendants' motion to disqualify Dr. Nash is denied without prejudice;
2. Plaintiffs shall pay Defendants \$8,000 (eight thousand), in a check made payable to "The Office of the City Attorney" to cover the additional expenses incurred by Defendants related to time spent by the Defendants' expert and the City Attorney as a result of Plaintiffs' failure to timely serve the report and related materials of their expert witness, Michael Mark Nash, PhD. **The check must be delivered to Defendants' counsel not later than noon on Monday, November 5, 2007;**
3. If Plaintiffs wish to supplement Dr. Nash's report, any such **supplemental report must be served no later than 4 p.m., Friday November 2, 2007;**
4. Dr. Nash will appear for a **full day of deposition, in San Francisco, commencing at 9:00 a.m. on Thursday, November 8, 2007.** Plaintiffs will bear the cost of Dr. Nash's travel expenses; Defendants will pay Dr. Nash's fee for deposition testimony. Dr. Nash's deposition is a date certain, and may only be changed by mutual written agreement of the parties. If Dr. Nash fails to appear for deposition at 9 a.m. on November 8, 2007, and the date has not been changed by mutual, written agreement of the parties, Dr. Nash shall be disqualified as an expert;
5. Defendants' deadline to submit a responsive expert report is continued to January 7, 2008;
6. Plaintiffs shall not take the deposition of Defendants' responsive expert witness;
7. The briefing schedule for Defendants' motion for summary judgment is adjusted as follows:

November 21, 2007	Last day for Defendants to file opening brief
November 28, 2007	Last day for Plaintiffs to file brief in opposition
December 5, 2007	Last day for Defendants to file reply brief
December 19, 2007	Hearing on motion

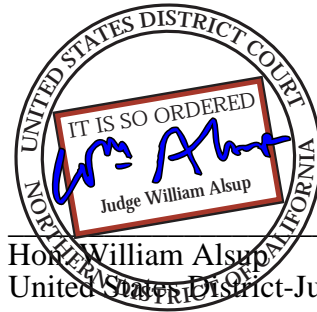
8. If Defendants opt to file a motion to disqualify Dr. Nash, the briefing schedule for the motion to disqualify shall be identical to the motion for summary judgment, i.e.,:

November 21, 2007	Last day for Defendants to file opening brief
November 28, 2007	Last day for Plaintiffs to file brief in opposition
December 5, 2007	Last day for Defendant to file reply brief
December 19, 2007	Hearing on motion

9. The trial date remains unchanged.

IT IS SO ORDERED

Dated: November 6, 2007.



\_\_\_\_\_  
Hon. William Alsup  
United States District Judge

Approved as to form: \_\_\_\_\_